

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRANCIS BEATTY,

Plaintiff,

v.

Case No. 22-11949
Honorable Victoria A. Roberts

ANGELA CHOMICZ¹,

Defendant.

/

**ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT ON THE BASIS OF EXHAUSTION [ECF No. 23]**

Francis Beatty, a prisoner proceeding *pro se*, brings this civil rights action against Angela Chomicz, a prison counselor, pursuant to 42 U.S.C. § 1983. He claims Chomicz violated his First and Eighth Amendment rights by denying his request to move to a new cell.

Chomicz moves for summary judgment. She argues that Beatty failed to properly exhaust administrative remedies before filing the complaint – which is a prerequisite to filing a prisoner lawsuit challenging prison conditions. 42 U.S.C. § 1997e(a); *Porter v. Nussle*, 534 U.S. 516, 524 (2002); *Woodford v. Ngo*, 548 U.S. 81, 90 (2006).

Beatty did not respond to the motion, and the time to do so passed.

¹ In the complaint, Plaintiff misidentifies Defendant as “PC Cromicz.”

The Court reviewed Chomicz's motion and attached exhibits. Chomicz establishes that Beatty failed to properly exhaust administrative remedies for his claims prior to filing suit. She is entitled to summary judgment.

The Court **GRANTS** Chomicz's motion [ECF No. 23].

IT IS ORDERED.

s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: 7/17/2023